

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 62, line 32, after "dogs" insert "**at least six (6) months of**
- 2 **age**".
- 3 Page 62, line 36, delete "The amount of the" and insert "A".
- 4 Page 62, line 36, delete "is equal to" and insert "**may not exceed**".
- 5 Page 62, between lines 37 and 38, begin a new paragraph and insert:
- 6 "**(c) The maximum amount of county option dog tax that may be**
- 7 **imposed under this section per year for dogs kept in kennels for**
- 8 **breeding, boarding, or training purposes or for sale is the amount**
- 9 **equal to the lesser of:**
- 10 (1) **the total amount of county option dog tax calculated**
- 11 **without regard to this subsection; or**
- 12 (2) **for a kennel consisting of:**
- 13 (A) **at least fifteen (15) dogs at least six (6) months of age,**
- 14 **thirty dollars (\$30); or**
- 15 (B) **less than fifteen (15) dogs at least six (6) months of age,**
- 16 **twenty dollars (\$20)."**
- 17 Page 62, delete lines 41 through 42, begin a new paragraph and insert:
- 18 "**Sec. 4. (a) The department of local government finance shall**
- 19 **prescribe a county option dog tax return form for use in counties**
- 20 **that adopt the county option dog tax.**
- 21 (b) **If a county option dog tax adopted under section 2 of this**
- 22 **chapter is in effect in a county, the county treasurer shall:**
- 23 (1) **make blank county option dog tax return forms available**
- 24 **to the public;**
- 25 (2) **include a county option dog tax return form with every**
- 26 **statement mailed to a person under IC 6-1.1-22-8(a)(1) that**
- 27 **is preprinted with:**
- 28 (A) **the name of the person or persons liable for the county**
- 29 **option dog tax, if known; and**
- 30 (B) **the names of the dogs subject to the tax imposed under**

section 2 of this chapter, if known;
as reported on the most recent county option dog tax return
received by the county treasurer, if any, before the statements
described under IC 6-1.1-22-8 are prepared for mailing.

(c) If a county option dog tax adopted under section 2 of this
chapter is in effect in a county, a person who keeps or harbors a
dog in the county shall:

(1) complete an accurate county option dog tax return that
specifies the number of dogs kept or harbored by the person
in or near the person's premises in the county that are at least
six (6) months of age on January 1 of the calendar year; and
(2) submit the return described in subdivision (1) to the
county treasurer together with payment of the county option
dog tax owed;

on or before May 10 of each year."

Page 63, delete lines 1 through 5.

Page 63, line 11, after "research" insert "and education".

Page 63, line 21, after "research" insert "and education".

Page 63, line 25, delete "shall issue a warrant to the" and insert "**and
the county treasurer shall include the county option dog tax
revenue received by the county treasurer in the settlement
procedures described in IC 6-1.1-27. Amounts accumulated in the
county canine research and education account shall be paid to the
state treasurer in accordance with the procedure described under
IC 6-1.1-27-3.**"

Page 63, delete lines 26 through 36.

Page 64, between lines 2 and 3, begin a new line block indented and
insert:

**"(4) To reimburse people who have undergone rabies post
exposure prophylaxis."**

Page 64, line 7, after "research" insert "and education".

Page 64, line 10, after "research" insert "and education".

Page 64, line 11, after "research" insert "and education".

Page 64, line 19, after "research" insert "and education".

Page 64, line 20, after "research" insert "and education".

Page 64, line 22, after "research" insert "and education".

Page 64, line 23, delete "January 1 and July" and insert "**August**".

Page 64, line 24, delete "balance" and insert "**amount**".

Page 64, line 24, after "research" insert "and education".

Page 64, line 28, after "research" insert "and education".

Page 64, delete lines 29 through 41, begin a new paragraph and
insert:

**"Sec. 8. After January 1, 2007, a county, or a municipality (as
defined in IC 36-1-2-11) of the county, may not adopt an ordinance
implementing a licensing scheme for dogs unless the county option**

dog tax under this chapter is in effect in the county."

Page 185, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 54. IC 15-5-7-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 3. (a) The following losses and expenses are chargeable to the county in which an attack or exposure occurs:**

(1) Damages, less compensation by insurance or otherwise, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

(A) Sheep.

(B) Cattle.

(C) Horses.

(D) Swine.

(E) Goats.

(F) Mules.

(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guineaas.

(L) Tame rabbits.

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

(N) Bison.

(O) Farm raised cervidae.

(P) Ratitae.

(Q) Camelidae.

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies.

(b) A person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown.

(d) A county auditor shall establish procedures in accordance with the requirements of subsection (a) and section 4 of this chapter by which claimants may submit claims to the county auditor.

(e) A county auditor who:

(1) receives a verified claim under subsection (a) from a claimant; and

(2) is satisfied that the claim meets the requirements of

subsubsection (a) and section 4 of this chapter;
shall immediately issue a warrant or check to the claimant for the
verified amount of the claim. A county auditor who is not satisfied
that a claim meets the requirements of subsection (a) and section
4 of this chapter shall promptly notify the claimant.

(f) A person whose claim under subsection (a) is denied by a
county auditor may file an action in a court with jurisdiction to
determine whether the county auditor acted in conformance with
the requirements of this section and section 4 of this chapter. If the
court determines that the county auditor failed to comply with the
requirements of this section or section 4 of this chapter in
evaluating the person's claim, the court may fashion an
appropriate remedy, including an order directed to the county
auditor to reconsider the person's claim.

SECTION 55. IC 15-5-7-4 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2007]: Sec. 4. (a) An owner desiring to make a claim
under section 3(a)(1) of this chapter must do the following:

(1) Not more than seventy-two (72) hours after the time of the
loss, notify one (1) of the following having jurisdiction in the
location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control
center, shelter, or similar impounding facility.

(2) Not more than twenty (20) days after the time of the loss,
report the loss to the county auditor as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or
game; and

(ii) the damages, less compensation by insurance or
otherwise, sustained.

(B) In an affidavit, the owner must be joined by two (2)
disinterested and reputable freeholders residing in the
township in which the stock, fowl, or game were killed,
maimed, or damaged. The affidavit must state that the
freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) An appraisal of the stock, fowl, or game that were
killed, maimed, or damaged may not exceed the actual cash
value of the stock, fowl, or game. As it applies to ratitae,
cash value may not exceed the slaughter value.

(D) The owner shall provide verification of the loss by an
officer under subdivision (1).

(E) Payment for a loss for property owned by a claimant
on the last property tax assessment date may not be paid

1 if the property was not reported by the owner for
2 assessment purposes at that time.

3 (b) In addition to the requirements of subsection (a), the
4 claimant, if requested to do so by the county auditor or a person
5 designated by the county auditor, must grant the right of
6 subrogation to the county for the total amount paid on the claim to
7 the claimant by the county on a form prescribed by the county
8 auditor.

9 (c) An officer who receives notice under subsection (a)(1) shall
10 visit the scene of the loss, verify the loss in writing, and mark each
11 killed, maimed, or damaged animal so that the animal can support
12 only one (1) claim under this chapter.

13 (d) A person desiring to make a claim under section 3(a)(2) of
14 this chapter must provide the county auditor with documentation
15 that the person, or a person for whom the claimant is financially
16 responsible, underwent rabies post exposure prophylaxis."

17 Renumber all SECTIONS consecutively.

 (Reference is to EHB 1001 as printed February 24, 2006.)

Senator JACKMAN